

## Case Information

DC-16-13520 | JANET G NEWLAND vs. CHARTWELL AMERICAS LLC et al

Case Number	Court	File Date
DC-16-13520	14th District Court	10/17/2016
Case Type	Case Status	
EMPLOYMENT	OPEN	

## Party

PLAINTIFF  
NEWLAND, JANET G

Active Attorneys ▼

Lead Attorney  
PEREZ, JAVIER  
Retained

Work Phone  
214-965-9675

Fax Phone  
214-965-9680

Attorney  
SCOTT, MATTHEW R  
Retained

Work Phone  
214-965-9675

Fax Phone  
214-965-9680

**EXHIBIT A**

## DEFENDANT

CHARTWELL AMERICAS LLC

## Address

BY SERVING REGISTERED AGENT ELLIS F TREVOR  
13601 PRESTON ROAD SUITE 250E  
DALLAS TX 75240

## Active Attorneys ▼

Lead Attorney  
DANIELS, RUTH ANN  
NORTON  
Retained

## Work Phone

214-237-6396

## Fax Phone

214-953-1332

## Attorney

GAONA III, FRED  
Retained

## Work Phone

214-290-0007

## Fax Phone

214-290-0099

## DEFENDANT

AMERICAN TALENT GROUP LLC

## Address

BY SERVING REGISTERED AGENT ELLIS F TREVOR  
13601 PRESTON ROAD SUITE 250 E  
DALLAS TX 75240

## Active Attorneys ▼

Lead Attorney  
DANIELS, RUTH ANN  
NORTON  
Retained

## Work Phone

214-237-6396

## Fax Phone

214-953-1332

## DEFENDANT

TEXINIA CORPORATION

## Address

BY SERVING REGISTERED AGENT ELLIS F TREVOR  
211 NORTH PEAK STREET SUITE 3103  
DALLAS TX 75204

## Active Attorneys ▼

Lead Attorney  
DANIELS, RUTH ANN  
NORTON  
Retained

## Work Phone

214-237-6396

## Fax Phone

214-953-1332

## DEFENDANT

TREVOR, ELLIS F.

## Address

2110 NORTH PEAK STREET APT NO 3103  
DALLAS TX 75240

## Active Attorneys ▼

## Lead Attorney

DANIELS, RUTH ANN

NORTON

Retained

## Work Phone

214-237-6396

## Fax Phone

214-953-1332

**Events and Hearings**

10/17/2016 NEW CASE FILED (OCA) - CIVIL

10/17/2016 ORIGINAL PETITION ▼

Plaintiff Janet G. Newland's Original Petition

Janet Newland Civil Cover Sheet (Dallas County) - JP 2016-10

10/17/2016 ISSUE CITATION

10/18/2016 CITATION ISSUED ▼

DC1613520-1.pdf

DC1613520-2.pdf

DC1613520-3.pdf

DC1613520-4.pdf

10/18/2016 CITATION ▼

Anticipated Server

ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

11/21/2016

Anticipated Server

ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

11/21/2016

Anticipated Server

ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

11/21/2016

Anticipated Server

ESERVE

Anticipated Method

Actual Server

PRIVATE PROCESS SERVER

Returned

11/21/2016

11/21/2016 RETURN OF SERVICE ▼

AMERICAN TALENT GROUP LLC

Comment

CIT EXEC 11/16/16 TO AMERICAN TALENT GROUP LLC

11/21/2016 RETURN OF SERVICE ▼

ELLIS F TREVOR

Comment

CIT EXEC 11/16/16 TO ELLIS F TREVOR PPS

11/21/2016 RETURN OF SERVICE ▼

CHARTWELL AMERICAS LLC

Comment

CIT EXEC 11/16/16 TO CHARTWELL AMERICAS LLC PPS

11/21/2016 RETURN OF SERVICE ▼

TEXINIA CORP

Comment

CIT EXEC 11/16/16 TO TEXINIA CORP PPS

12/01/2016 NOTICE OF DISMISSAL FOR WANT OF PROSECUTION ▼

NOTICE OF DISMISSAL FOR WANT OF PROSECUTION

Comment

MAILED

12/02/2016 ORIGINAL ANSWER - GENERAL DENIAL ▼

2016.12.02 Defs' Answer to Plaintiff's Original Petition.pdf

01/06/2017 DISMISSAL FOR WANT OF PROSECUTION ▼

Judicial Officer

MOYE', ERIC

Hearing Time

11:00 AM

**Financial**

NEWLAND, JANET G

Total Financial Assessment

\$319.00

Total Payments and Credits

\$319.00

10/17/2016 Transaction Assessment

\$319.00

10/17/2016 CREDIT CARD -  
TEXFILE (DC)Receipt # 66033-  
2016-DCLKNEWLAND,  
JANET G

(\$319.00)

**Documents**

Plaintiff Janet G. Newland's Original Petition

Janet Newland Civil Cover Sheet (Dallas County) - JP 2016-10

DC1613520-1.pdf

DC1613520-2.pdf

DC1613520-3.pdf

DC1613520-4.pdf

AMERICAN TALENT GROUP LLC

ELLIS F TREVOR

CHARTWELL AMERICAS LLC

TEXINIA CORP

NOTICE OF DISMISSAL FOR WANT OF PROSECUTION

2016.12.02 Defs' Answer to Plaintiff's Original Petition.pdf



### **III.**

#### **PARTIES**

2. Plaintiff is an individual and a citizen of Sevier County, Tennessee.

3. Defendant Chartwell ("Defendant") is a limited liability company organized under the laws of the state of Texas with its principal place of business located at 13601 Preston Road, Suite 250E, Dallas, Texas 75240. Defendant may be served with process, including citation and a copy of this lawsuit, by serving Defendant's registered agent for service of process, Ellis F. Trevor, at the same address, or wherever he may be found. Service can also be accomplished through the Texas Secretary of State.

4. Defendant American Talent is a limited liability company organized under the laws of the state of Texas with its principal place of business located at 13601 Preston Road Suite #W-412, Dallas, Texas 75240. American Talent may be served with process, including citation and a copy of this lawsuit, by serving American Talent's registered agent for service of process, Ellis F. Trevor, at 13601 Preston Road, Suite 250E, Dallas, Texas 75240, or wherever he may be found. Service can also be accomplished through the Texas Secretary of State.

5. Defendant Texinia Corporation is a corporation organized under the laws of the state of Delaware with its principal place of business located at 2110 North Peak Street, Apt. # 3103, Dallas, Texas 75204. Texinia may be served with process, including citation and a copy of this lawsuit, by serving Texinia's registered agent for service of process, Ellis F. Trevor, at 2110 North Peak Street, Suite 3103, Dallas, Texas 75204, or wherever he may be found. Service can also be accomplished through the Texas Secretary of State.

6. Defendant Ellis is an individual who maintains a residence at 2110 North Peak Street, Apt. No. 3103, Dallas, Texas 75240. Ellis may be served with process, including citation and a copy of this lawsuit, by serving Ellis at the same address, or wherever he may be found.



**IV.**

**JURISDICTION**

7. The Court has jurisdiction over this action because the amount in controversy, exclusive of interest and costs, is within the jurisdictional limits of the Court.

8. Plaintiff seeks monetary relief over \$1,000,000.00.

**V.**

**VENUE**

9. Venue is proper in Dallas County because (a) all Defendants' principal places of business or residences are in Dallas County,<sup>1</sup> and (b) all or a substantial part of the events and omissions giving rise to Plaintiff's claims occurred in Dallas County.<sup>2</sup>

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<sup>1</sup> TEX. CIV. PRAC. & REM. CODE § 15.002(a)(2).

<sup>2</sup> TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1).

VI.

**COVERAGE ALLEGATIONS**

10. Defendants transact substantial business in this judicial district.

11. At all material times, Defendants have acted together as one employer within the meaning of 29 U.S.C. § 203(d).

12. At all material times, Defendants have acted as an enterprise within the meaning of 29 U.S.C. § 203(r).

13. At all material times, Defendants have acted as an enterprise engaging in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. § 203(s)(1), in that said enterprise has had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has had and has an annual gross volume of sales made or business done of not less than \$500,000.00 (exclusive of excise taxes at the retail level which are separately stated).

14. At all materials times, Plaintiff was an individual employee of Defendants who was engaged in commerce or in the production of goods for commerce as required by 29 U.S.C. §§ 206-207.

**VII.**

**BACKGROUND FACTS**

**A. Background Information**

15. Plaintiff worked for Defendants from in or around September 24, 2012, until her employment was terminated on or around January 30, 2016.

16. Defendant Chartwell, which along with its New York and international offices, comprise Chartwell Speakers & Literary Agency.

17. Chartwell, according to its website, "represents world-class keynote and motivational speakers, experts and authors for corporate events, conference and publishing opportunities globally."

18. Chartwell's clients include former U.S. presidential candidates and other subject-matter experts in politics, finance, health, among other things.

19. One of Chartwell's owners, Defendant Trevor, is a part or full owner of all of Defendants.

**B. Plaintiff's Employment with Defendants**

20. Trevor, individually and through each of Defendants, improperly paid Plaintiff as an independent contractor for her work as an employee of Defendants' joint enterprise.

21. From on or around September 24, 2012, to December 31, 2013, Defendants appropriately treated Plaintiff as an employee; this included issuing her a W2 for her wages and withholding federal income tax, social security, and Medicare from her paychecks.

22. Then suddenly in or around 2014, Defendants notified Plaintiff that she would now be treated as an independent contractor and issued an IRS Tax Form 1099 instead of the W2 form.

23. Trevor tried to further deceive Plaintiff by claiming that she could now "write everything off," or words of similar effect.

24. In addition to not being a legally sufficient reason to misclassify Plaintiff, she also was not able to "write everything off" as Trevor had assured her.

25. In point of fact, Plaintiff was an employee of Defendants for the entire time she worked for them.

26. Throughout her employment, Plaintiff performed numerous duties in advancing Defendants' business purposes.

27. More specifically, Plaintiff's job duties consisted mostly of delivering post-contract services to Defendants' clients and speakers, including organizing travel and logistics, attending to speaker needs and briefings, coordinating security, biographies, riders, schedules, media requests, and doing so around the clock.

28. Plaintiff also performed various clerical and assistant-type duties for Trevor personally, who made payments to Plaintiff directly and through all other Defendants.

29. Defendants also instructed Plaintiff to perform caretaker duties at Trevor's home where she was paid in the name of various entities, including all named Defendants.

30. On average, Plaintiff worked some 8 to 12 hours on weekends in addition to working at least 40 hours during the week.

31. What is more, Defendants required Plaintiff to be on call for at all times while an event was occurring or a speaker was traveling, among other times.

32. For much of this time, Plaintiff was paid a monthly "salary," regardless of the actual hours she worked.

33. Defendants' misclassification of Plaintiff was wholly improper, especially considering the following:

34. Plaintiff made no investment in facilities or equipment and therefore bore no risk for a loss of investment.

35. Plaintiff did not exercise independent business judgment; rather, she discharged her duties at the direction of Defendants.

36. Plaintiff's employment relationship with Defendants was permanent and not indefinite – Plaintiff worked for Defendants for over three years.

37. Defendants exercised total or nearly total control over Plaintiff, including setting the rate of her pay, work hours, determining how the work was performed.

38. Plaintiff performed all or nearly all of her duties at the direction of Trevor.

39. The terms and conditions of Plaintiff's employment were determined by Defendants, and by Trevor in particular.

40. Trevor determined what hours Plaintiff worked and what tasks she was to perform.

41. Plaintiff thus was entitled to overtime pay under the Fair Labor Standards Act.<sup>3</sup>

**C. Plaintiff Notified Defendants of this Misclassification and Was Retaliated Against for Doing So**

42. When Plaintiff continued to ask Defendants correct this misclassification for her work on a particular project, Trevor responded with hostility in retaliation for Plaintiff doing so and threatened her by saying, "If you bring that up one more time . . ."

43. On more than one occasion, Plaintiff communicated to Defendants, and their accountant Richard Swille, that she was being improperly classified as an independent contractor.

44. On multiple occasions, Trevor assured Plaintiff that this would be corrected, but it never was.

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<sup>3</sup> 29 U.S.C. § 201, *et seq.*

45. In or around November 2015, Plaintiff inquired about this misclassification to the Internal Revenue Service.

46. Plaintiff shared with Mr. Swille that she was concerned about the tax situation the misclassification had created for her and that she had called the IRS about it.

47. Not more than two months later, Trevor terminated Plaintiff's employment, claiming "this isn't working anymore," or words of similar effect.

48. Upon Plaintiff asking for a written notice of termination, she received a letter indicating that she had been terminated for multiple acts of misconduct, all of which were categorically false.

## **VIII.**

### **CAUSES OF ACTION**

#### **D. First Cause of Action—Failure to Pay Wages in Accordance with the FLSA**

49. Plaintiff incorporates each of the foregoing paragraphs.

50. Defendants engaged in a practice of not Plaintiff one and one half times her regular rate of pay for all hours worked in excess of forty hours in a workweek.

51. Defendants' actions violate 29 U.S.C. §§ 206, 207, and 215(a)(2).

#### **E. Second Cause of Action—Unlawful Retaliation—FLSA**

52. Plaintiff incorporates each of the foregoing paragraphs.

53. Plaintiff engaged in protected activity as set forth in 29 U.S.C. § 215(a)(3).

54. In response, Defendants terminated Plaintiff's employment and took subsequent actions to discourage Plaintiff from continued protected activity.

55. Defendants' actions violated 29 U.S.C. § 215(a)(3).

**IX.**

**DAMAGES**

- 56. Plaintiff incorporates each of the foregoing paragraphs.
- 57. Defendants' actions violated 29 U.S.C. § 207(a).
- 58. Pursuant to 29 U.S.C. § 216(b), Plaintiff seeks to recover all unpaid minimum wages and unpaid overtime compensation.
- 59. Plaintiff also seeks as liquidated damages an amount equal to that recovered for unpaid minimum wages and unpaid overtime compensation.
- 60. Plaintiff seeks all damages available to her under federal law.

**X.**

**ATTORNEYS' FEES AND COSTS**

- 61. Plaintiff incorporates each of the foregoing paragraphs.
- 62. Plaintiff retained the services of undersigned counsel to prosecute her claims.
- 63. Plaintiff is entitled to recover a reasonable attorney's fee from Defendants, including costs.

**XI.**

**JURY DEMAND**

- 64. Plaintiff demands a trial by jury.

**XII.**

**CONCLUSION AND PRAYER**

65. Plaintiff respectfully requests that Defendants be cited to appear and answer, and that upon final trial of this matter, the Court enter judgment against Defendants, awarding Plaintiff:

- A. All unpaid minimum wages and unpaid overtime compensation;
- B. All unpaid wages and commissions;
- C. Liquidated damages equal to the amount in subsection (A) above;
- D. Reasonable attorneys' fees and expert fees;
- E. Court costs;
- F. Pre-judgment and post-judgment interest at the rate set by law; and
- G. All legal or equitable relief this Court deems proper.



Respectfully submitted,

/s/ Javier Perez

MATTHEW R. SCOTT

Texas Bar No. 00794613

[matt.scott@scottperezlaw.com](mailto:matt.scott@scottperezlaw.com)

JAVIER PEREZ

Texas Bar No. 24083650

[javier.perez@scottperezlaw.com](mailto:javier.perez@scottperezlaw.com)

**SCOTT | PEREZ LLP**

Founders Square

900 Jackson Street, Suite 550

Dallas, Texas 75206

214-965-9675 / 214-965-9680 (Facsimile)

**ATTORNEYS FOR PLAINTIFF**

## CIVIL CASE INFORMATION SHEET

DC-16-13520


CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED Janet G. Newland v. Chartwell Americas, LLC, American Talent Group, LLC, Texinia Corporation, and Ellis F. Trevor

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b>  Name: <u>Javier Perez</u> Email: <u>javier.perez@scottperelaw.com</u>  Address: <u>900 Jackson Street, Suite 550</u> Telephone: <u>214-965-96-9675</u>  City/State/Zip: <u>Dallas, Texas 75202</u> Fax: <u>214-965-9680</u>  Signature:  State Bar No: <u>24083650</u>		<b>Names of parties in case:</b>  Plaintiff(s)/Petitioner(s): <u>Janet G. Newland</u>  Defendant(s)/Respondent(s): <u>Chartwell Americas, LLC</u> <u>American Talent Group, LLC</u> <u>Texinia Corporation</u> <small>[Attach additional page as necessary to list all parties]</small>		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____  Additional Parties in Child Support Case:  Custodial Parent: _____  Non-Custodial Parent: _____  Presumed Father: _____	
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <i>Debt/Contract</i> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____  <i>Foreclosure</i> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____  <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____  <input type="checkbox"/> Other Injury or Damage: _____	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
<b>Employment</b> <input type="checkbox"/> Discrimination <input checked="" type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input checked="" type="checkbox"/> Other Employment: _____ <small>FLSA</small>		<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property  <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<b>Probate &amp; Mental Health</b> <i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings  <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment  <input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover			
<b>4. Indicate damages sought (do not select if it is a family law case):</b> <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					

Additional Defendant:

Ellis F. Trevor

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: CHARTWELL AMERICAS LLC  
BY SERVING REGISTERED AGENT ELLIS F TREVOR  
13601 PRESTON ROAD SUITE 250E  
DALLAS TX 75240**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JANET G NEWLAND**

Filed in said Court **17th day of October, 2016** against

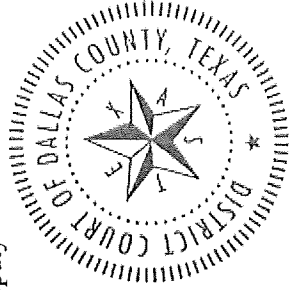
**CHARTWELL AMERICAS LLC, AMERICAN TALENT GROUP LLC, TEXINIA CORPORATION, AND ELLIS F TREVOR**

For Suit, said suit being numbered **DC-16-13520**, the nature of which demand is as follows:  
Suit on **EMPLOYMENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 18th day of October, 2016.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE



**ESERVE**

**CITATION**

**DC-16-13520**

**JANET G NEWLAND**

**vs.**

**CHARTWELL AMERICAS LLC et al**

**ISSUED THIS  
18th day of October, 2016**

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

**Attorney for Plaintiff**  
**JAVIER PEREZ**  
900 JACKSON STREET  
SUITE 550  
DALLAS TX 75206  
214-965-9675

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-16-13520

Court No.14th District Court

Style: JANET G NEWLAND

vs.

CHARTWELL AMERICAS LLC et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed at \_\_\_\_\_  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_\_, by delivering to the within named \_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: AMERICAN TALENT GROUP LLC  
BY SERVING REGISTERED AGENT ELLIS F TREVOR  
13601 PRESTON ROAD SUITE 250 E  
DALLAS TX 75240**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JANET G NEWLAND**

Filed in said Court **17th day of October, 2016** against

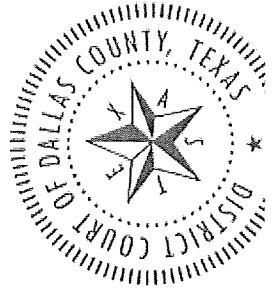
**CHARTWELL AMERICAS LLC, AMERICAN TALENT GROUP LLC, TEXINIA CORPORATION, AND ELLIS F TREVOR**

For Suit, said suit being numbered **DC-16-13520**, the nature of which demand is as follows:  
Suit on **EMPLOYMENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 18th day of October, 2016.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE



**ESERVE**

**CITATION**

**DC-16-13520**

**JANET G NEWLAND**

**vs.**

**CHARTWELL AMERICAS LLC et al**

**ISSUED THIS  
18th day of October, 2016**

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

**Attorney for Plaintiff**  
**JAVIER PEREZ**  
900 JACKSON STREET  
SUITE 550  
DALLAS TX 75206  
214-965-9675

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-16-13520

Court No.14th District Court

Style: JANET G NEWLAND

vs.

CHARTWELL AMERICAS LLC et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed at \_\_\_\_\_  
within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_, by delivering to the within named \_\_\_\_\_

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by  
me in serving such process was \_\_\_\_\_ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To: **TEXINIA CORPORATION  
BY SERVING REGISTERED AGENT ELLIS F TREVOR  
211 NORTH PEAK STREET SUITE 3103  
DALLAS TX 75204**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JANET G NEWLAND**

Filed in said Court **17th day of October, 2016** against

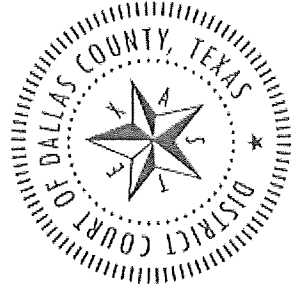
**CHARTWELL AMERICAS LLC, AMERICAN TALENT GROUP LLC, TEXINIA CORPORATION, AND ELLIS F TREVOR**

For Suit, said suit being numbered **DC-16-13520**, the nature of which demand is as follows:  
Suit on **EMPLOYMENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 18th day of October, 2016.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE



**ESERVE**

**CITATION**

**DC-16-13520**

**JANET G NEWLAND**

**vs.**

**CHARTWELL AMERICAS LLC et al**

**ISSUED THIS  
18th day of October, 2016**

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE, Deputy**

**Attorney for Plaintiff  
JAVIER PEREZ**  
900 JACKSON STREET  
SUITE 550  
DALLAS TX 75206  
214-965-9675

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**



## OFFICER'S RETURN

Case No. : DC-16-13520

Court No.14th District Court

Style: JANET G NEWLAND

vs.

CHARTWELL AMERICAS LLC et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed at \_\_\_\_\_  
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For Notary	\$ _____	By _____ Deputy

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to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To: ELLIS F. TREVOR  
2110 NORTH PEAK STREET APT NO 3103  
DALLAS TX 75240

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JANET G NEWLAND**

Filed in said Court **17th day of October, 2016** against

**CHARTWELL AMERICAS LLC, AMERICAN TALENT GROUP LLC, TEXINIA CORPORATION, AND ELLIS F TREVOR**

For Suit, said suit being numbered **DC-16-13520**, the nature of which demand is as follows:  
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By /s/ Gay Lane, Deputy  
GAY LANE



**ESERVE**

**CITATION**

**DC-16-13520**

**JANET G NEWLAND**

**vs.**

**CHARTWELL AMERICAS LLC et al**

**ISSUED THIS**

**18th day of October, 2016**

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

**Attorney for Plaintiff**  
**JAVIER PEREZ**  
900 JACKSON STREET  
SUITE 550  
DALLAS TX 75206  
214-965-9675

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

## OFFICER'S RETURN

Case No. : DC-16-13520

Court No.14th District Court

Style: JANET G NEWLAND

vs.

CHARTWELL AMERICAS LLC et al

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Executed at \_\_\_\_\_  
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to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

**RETURN OF SERVICE**

**State of Texas**

**County of Dallas**

**14th District Court**

Case Number: DC-16-13520

Plaintiff:

**Janet G. Newland**

vs.

Defendant:

**Chartwell Americas, LLC, et al.**

Received these papers on the 1st day of November, 2016 at 5:42 pm to be served on **American Talent Group LLC by serving its registered agent Ellis Trevor, 13601 Preston Road, Suite 250E, Dallas, TX 75240.**

I, Bryon Welch, do hereby affirm that on the **16th day of November, 2016 at 12:17 pm, I:**

am a Certified Process Server authorized under Order of the Supreme Court of Texas to serve process in this cause. I am over (18) years of age, of sound mind, and not a party to or interested in the above suit. I have personal knowledge of the facts contained herein and each is true and correct. I served a true copy of the **Citation and Plaintiff's Original Petition** with the date and hour of service endorsed thereon by me to **American Talent Group LLC**, at the address of **2110 North Peak St Apt 3103, Dallas, TX 75204** on **11/16/2016 at 12:17 pm**, accepted by **Ellis Trevor** on behalf of **American Talent Group LLC**.

"My name is Bryon Welch, my date of birth is 08/09/1971 and my address is PO Box 272 Arlington, Texas 76004, USA. I declare under penalty of perjury that the foregoing is true and correct. Executed in Tarrant County, State of Texas, on the 16 day of November, 2016.

Bryon Welch Declarant"

Bryon Welch  
**Bryon Welch**  
SCH#5954 EXP 10/31/18

Our Job Serial Number: ALT-2016000577

FILED

2016 NOV 21 AM 11:00

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To: AMERICAN TALENT GROUP LLC  
BY SERVING REGISTERED AGENT ELLIS F TREVOR  
13601 PRESTON ROAD SUITE 250 E  
DALLAS TX 75240

FELICIA PITRE  
DEPUTY CLERK  
DALLAS COUNTY, TEXAS  
*[Signature]*

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being JANET G NEWLAND

Filed in said Court 17th day of October, 2016 against

**CHARTWELL AMERICAS LLC, AMERICAN TALENT GROUP LLC, TEXINIA CORPORATION, AND ELLIS F TREVOR**

*delivered  
11/16/16  
12:22 PM*

For Suit, said suit being numbered **DC-16-13520**, the nature of which demand is as follows:  
Suit on **EMPLOYMENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

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ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE

**ESERVE**

**CITATION**

DC-16-13520

JANET G NEWLAND

vs.

CHARTWELL AMERICAS LLC et al

ISSUED THIS  
18th day of October, 2016

FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas

By: GAY LANE, Deputy

Attorney for Plaintiff  
JAVIER PEREZ  
900 JACKSON STREET  
SUITE 550  
DALLAS TX 75206  
214-965-9675



**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

*Return of service attached*

**RETURN OF SERVICE**

**State of Texas**

**County of Dallas**

**14th District Court**

Case Number: DC-16-13520

Plaintiff:

**Janet G. Newland**

vs.

Defendant:

**Chartwell Americas, LLC, et al.**

Received these papers on the 1st day of November, 2016 at 5:42 pm to be served on **Ellis Trevor, 2110 North Peak St Apt No.3103, Dallas, TX 75204.**

I, Bryon Welch, do hereby affirm that on the **16th day of November, 2016 at 12:17 pm, I:**

am a Certified Process Server authorized to serve process in this cause. I am over (18) years of age, of sound mind and not a party to or interested in the above suit. I have personal knowledge of the facts contained herein and each is true and correct. I **INDIVIDUALLY/PERSONALLY** served **Ellis Trevor**, in person, at **2110 North Peak St Apt No.3103, Dallas, TX 75204** on **11/16/2016 at 12:17 pm** by delivering a true copy of the **Citation and Plaintiff's Original Petition** with the date and hour of service endorsed thereon by me, and informed said person of the contents therein.

"My name is Bryon Welch, my date of birth is 08/09/1971 and my address is PO Box 272 Arlington, Texas 76004, USA. I declare under penalty of perjury that the foregoing is true and correct. Executed in Tarrant County, State of Texas, on the 16th day of November, 2016.

Bryon Welch Declarant"

Bryon Welch

**Bryon Welch**

SCH#5954 EXP 10/31/18

Our Job Serial Number: ALT-2016000575

FILED

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

2016 NOV 21 AM 11:00

To: ELLIS F. TREVOR  
2110 NORTH PEAK STREET APT NO 3103  
DALLAS TX 75240

FELICIA PITRE  
DISTRICT CLERK  
DALLAS CO. TEXAS  
DEPUTY

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **14th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JANET G NEWLAND**

Filed in said Court **17th day of October, 2016** against

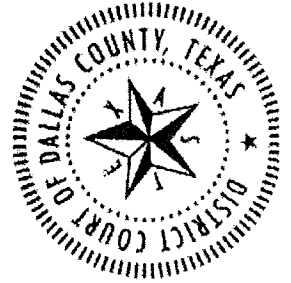
**CHARTWELL AMERICAS LLC, AMERICAN TALENT GROUP LLC, TEXINIA CORPORATION, AND ELLIS F TREVOR**

For Suit, said suit being numbered **DC-16-13520**, the nature of which demand is as follows:  
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ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE



ESERVE

CITATION

DC-16-13520

JANET G NEWLAND  
vs.

CHARTWELL AMERICAS LLC et al

ISSUED THIS  
18th day of October, 2016

FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas

By: GAY LANE, Deputy

Attorney for Plaintiff  
JAVIER PEREZ  
900 JACKSON STREET  
SUITE 550  
DALLAS TX 75206  
214-965-9675

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

*Return of service attached*

**RETURN OF SERVICE**

State of Texas

County of Dallas

14th District Court

Case Number: DC-16-13520

Plaintiff:

**Janet G. Newland**

vs.

Defendant:

**Chartwell Americas, LLC, et al.**

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"My name is Bryon Welch, my date of birth is 08/09/1971 and my address is PO Box 272 Arlington, Texas 76004, USA. I declare under penalty of perjury that the foregoing is true and correct. Executed in Tarrant County, State of Texas, on the 16th day of November, 2016.

Bryon Welch Declarant"

Bryon Welch  
Bryon Welch  
SCH#5954 EXP 10/31/18

Our Job Serial Number: ALT-2016000578



**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To: **CHARTWELL AMERICAS LLC  
BY SERVING REGISTERED AGENT ELLIS F TREVOR  
13601 PRESTON ROAD SUITE 250E  
DALLAS TX 75240**

**GREETINGS:**

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Said Plaintiff being **JANET G NEWLAND**

Filed in said Court **17th day of October, 2016** against

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For Suit, said suit being numbered **DC-16-13520**, the nature of which demand is as follows:  
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ATTEST: **FELICIA PITRE**, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE



**FILED**

**2016 NOV 21 AM 11:00**

**FELICIA PITRE  
DISTRICT CLERK  
DALLAS COUNTY, TEXAS**

**DEPUTY**

**ESERVE**

**CITATION**

**DC-16-13520**

**JANET G NEWLAND**

**vs.**

**CHARTWELL AMERICAS LLC et al**

**ISSUED THIS  
18th day of October, 2016**

**FELICIA PITRE  
Clerk District Courts,  
Dallas County, Texas**

**By: GAY LANE, Deputy**

**Attorney for Plaintiff  
JAVIER PEREZ**

**900 JACKSON STREET  
SUITE 550  
DALLAS TX 75206  
214-965-9675**

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

*Return of service attached*

## OFFICER'S RETURN

Case No. : DC-16-13520

Court No.14th District Court

Style: JANET G NEWLAND

vs.

CHARTWELL AMERICAS LLC et al

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within the County of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_  
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\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_

**RETURN OF SERVICE**

State of Texas

County of Dallas

14th District Court

Case Number: DC-16-13520

Plaintiff:

**Janet G. Newland**

vs.

Defendant:

**Chartwell Americas, LLC, et al.**

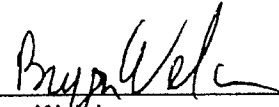
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"My name is Bryon Welch, my date of birth is 08/09/1971 and my address is PO Box 272 Arlington, Texas 76004, USA. I declare under penalty of perjury that the foregoing is true and correct. Executed in Tarrant County, State of Texas, on the 16th day of November, 2016.

Bryon Welch Declarant"

  
\_\_\_\_\_  
Bryon Welch  
SCH#5954 EXP 10/31/18

Our Job Serial Number: ALT-2016000576

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To: **TEXINIA CORPORATION  
BY SERVING REGISTERED AGENT ELLIS F TREVOR  
211 NORTH PEAK STREET SUITE 3103  
DALLAS TX 75204**

**GREETINGS:**

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Said Plaintiff being **JANET G NEWLAND**

Filed in said Court **17th day of October, 2016** against

**CHARTWELL AMERICAS LLC, AMERICAN TALENT GROUP LLC, TEXINIA CORPORATION, AND ELLIS F TREVOR**

For Suit, said suit being numbered **DC-16-13520**, the nature of which demand is as follows:  
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ATTEST: **FELICIA PITRE**, Clerk of the District Courts of Dallas, County, Texas

By /s/ Gay Lane, Deputy  
GAY LANE



FILED

2016 NOV 21 AM 11:00

FELICIA PITRE  
CLERK  
CITATION

DALLAS COUNTY  
CLERK  
DC-16-13520

**JANET G NEWLAND**

vs.

**CHARTWELL AMERICAS LLC et al**

ISSUED THIS  
**18th day of October, 2016**

**FELICIA PITRE**  
Clerk District Courts,  
Dallas County, Texas

By: **GAY LANE**, Deputy

**Attorney for Plaintiff**  
**JAVIER PEREZ**  
900 JACKSON STREET  
SUITE 550  
DALLAS TX 75206  
214-965-9675

**DALLAS COUNTY  
SERVICE FEES  
NOT PAID**

*Return of service attached*

## OFFICER'S RETURN

Case No. : DC-16-13520

Court No. 14th District Court

Style: JANET G NEWLAND

vs.

CHARTWELL AMERICAS LLC et al

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to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County \_\_\_\_\_



14<sup>TH</sup> JUDICIAL DISTRICT COURT  
GEORGE L. ALLEN COURTS BUILDING  
600 COMMERCE STREET  
DALLAS, TEXAS 75202-4604

December 01, 2016

FILE COPY

DC-16-13520

JANET G NEWLAND vs. CHARTWELL AMERICAS LLC et al

ALL COUNSEL OF RECORD AND PRO SE PARTIES:

The above case is set for dismissal, pursuant to Rule 165A, Texas Rules of Civil procedure and pursuant to the inherent power of the Court, on:

**January 06, 2017 at 11:00 AM**

If no answer has been filed you are expected to have moved for a default judgment on or prior to that date. Your failure to have done so will result in the dismissal of the case on the above date.

If you have been unable to obtain service of process and you wish to retain the case on the docket, you must appear on the above date, unless you have obtained a new setting from the court coordinator.

Sincerely,

ERIC V. MOYÉ, DISTRICT JUDGE  
14<sup>TH</sup> DISTRICT COURT  
Dallas County, Texas

Cc:

JAVIER PEREZ  
900 JACKSON STREET  
SUITE 550  
DALLAS TX 75202

---

NO. DC-16-13520

JANET G. NEWLAND,

Plaintiff,

v.

CHARTWELL AMERICAS, LLC,  
AMERICAN TALENT GROUP, LLC,  
TEXINIA CORPORATION, AND  
ELLIS F. TREVOR

Defendants.

§  
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§

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

14<sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANTS' ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants Chartwell Americas, LLC, American Talent Group, LLC, Texinia Corporation and Ellis F. Trevor ("Defendants") file the following Answer to Plaintiff's Original Petition on file herein and for such answer would show the Court the following:

**I.**

**GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants hereby enter a general denial, denying each and every, all and singular, the allegations, charges and claims contained in Plaintiff's Original Petition, and demand strict proof thereof by a preponderance of the evidence.

**II.**

**AFFIRMATIVE DEFENSES**

Defendants set forth the following Affirmative Defenses:

1. Pleading further, and as an affirmative defense, Defendants contend that Plaintiff's claims are barred in whole or in part by the applicable statute of limitations for each cause of action

asserted. Defendants specifically assert that Plaintiff's claims are barred by the statute of limitations provided in 29 U.S.C. §255(a).

2. Pleading further, and as an affirmative defense, Plaintiff's Original Petition fails to state a claim upon which relief may be granted.

3. Pleading further, and as an affirmative defense, Defendants contend that Plaintiff's claims beyond two years for willful and intentional conduct under the FLSA is unfounded. Defendants state that any alleged conduct was not willful as defined by the FLSA.

4. Pleading further, and as an affirmative defense, Defendants contend that Plaintiff was paid for all hours worked including overtime.

5. Pleading further, and as an affirmative defense, Defendants contend that one or more of the Defendants were not the Plaintiff's employer during the time periods that are the basis of Plaintiff's claims.

6. Pleading further, and as an affirmative defense, Defendants' actions with respect to Plaintiff were taken in good faith and Defendants had reasonable grounds for believing that it was complying with the FLSA. Defendants specifically assert the "good faith" defenses provided for by 29 U.S.C. §§ 259 and 260.

7. Pleading further, and as an affirmative defense, any alleged adverse employment actions taken regarding Plaintiff's employment with regard to any Defendants were based on legitimate, non-discriminatory business decisions and not for any unlawful retaliatory reason.

8. Pleading further, and as an affirmative defense, Defendants assert that Plaintiff did not engage in protected activity as defined by 29 U.S.C. §215(a)(3).

9. Defendants deny responsibility or liability for any alleged damages sustained by Plaintiff in relation to her claims of retaliation under the FLSA. However, if Plaintiff has sustained



damages, then such damages, if any, should be reduced by the amount Plaintiff could reasonably have mitigated such damages by proper action and by the amount, if any, Plaintiff had actually mitigated such alleged damages, if any.

10. Defendants reserve the right to raise any and all other defenses that may become evident during discovery and during any other proceeding in this action.

**III.**

**PRAYER**

WHEREFORE, Defendants pray that Plaintiff take nothing by her suit, that costs of court be taxed against her, and that Defendants be granted such other and further relief, at law or in equity, to which they may be justly entitled.

Respectfully submitted,

GRAY REED & McGRAW, P.C.

By /s/Fred Gaona III  
Ruth Ann Daniels  
State Bar No. 15109200  
rdaniels@grayreed.com  
Fred Gaona  
State Bar No. 24029562  
fgaona@grayreed.com

4600 Thanksgiving Tower  
1601 Elm Street  
Dallas, Texas 75201  
Telephone: (214) 954.4135  
Facsimile: (214) 953.1332

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon counsel for Plaintiff in accordance with the Texas Rules of Civil Procedure, on this 2<sup>nd</sup> day of December, 2016, as follows:

**VIA E-SERVICE**

Matthew R. Scott  
Javier Perez  
SCOTT | PEREZ LLP  
Founders Square  
900 Jackson Street, Suite 550  
Dallas, Texas 75206

*/s/ Fred Gaona III* \_\_\_\_\_

Fred Gaona III